

Atty. Dkt. No. 068754-0292

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rolf HONEGGER et al.
Title: METHOD AND DEVICE FOR LOADING A
GLASS PROCESSING INSTALLATION
Appl. No.: 10/730,015
Filing Date: 12/9/2003
Examiner: Mark Halpern
Art Unit: 1731
Confirmation No.: 2778

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A pre-appeal brief conference is requested to review the final rejection mailed on May 17, 2006. No amendments are being filed with this request.

A Notice of Appeal is being filed concurrently in this application with this Request for Review.

REMARKS

Claims 1-10 and 26-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 196 00 348 (“Lewecke”) in view of U.S. Patent No. 5,873,922 (“Lisec”). The rejection should be withdrawn at least because the references, taken together or separately, fail to teach or suggest each and every limitation of the claims.

Lewecke and Lisec, taken together or separately, fail to teach or suggest “at least one glass plate, from which a loading portion is separated, is provided with at least two different scribing lines before performing step b) ... [and] wherein only the loading portion is completely scribed, the residual portion remains unscribed,” as required by claim 1. In addition, Lewecke and Lisec, taken together or separately, fail to teach or suggest “wherein step a) and step b) are repeated such that glass plates are extracted from the storage unit and loading portions are delivered to the glass processing installation in a predetermined sequence,” as called for by claim 1.

In the Office Action, the Examiner correctly states that Lewecke “does not disclose the glass plate sheet being scribed before dividing the sheet.” Office Action at p. 3. Lisec fails to cure the deficiencies of Lewecke. Lisec teaches a glass plate 1 that is notched in a station 2, after which the entire glass plate 1 is moved into the first breaking station 3 to divide the glass into left and right portions. As shown in Figs. 1 and 2 of Lisec, both the left and right portions have notches. Fig. 1 illustrates a whole glass plate being notched and Fig. 2 illustrates that after the first breaking station 3, the right side clearly has notches X in the remaining portion. Thus, Lisec merely discloses that the *entire* glass plate is scribed at cutting station 2, and does not disclose only scribing a loading portion. Therefore, Lewecke and Lisec fail to teach or suggest completely scribing only the loading portion such that “the residual portion remains unscribed.” An advantage to the method as claimed is that the glass plates can be processed in a simpler manner, and that no plate remainders are produced within the glass processing installation. See Application at p. 12, line 31 to p. 14, line 11.

With regard to the “predetermined sequence,” Lewecke merely discloses that the placing of sheets into and out of storage is computer controlled. See Lewecke at p. 2, lines 34-36. Lewecke does not deliver a predetermined sequence of glass plates from the storage

unit to the glass processing installation. Furthermore, Lisec does not teach or suggest a loading portion that is sent to the installation and a remainder portion that is stored. All parts are stored. See Lisec at Fig. 2; and col. 2, line 64 to col. 3, line 20. Therefore, there is no predetermined sequence in loading the installation. Accordingly, for all of these reasons, claim 1 is patentably distinguishable from the combination of Lewecke and Lisec. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Furthermore, the person of ordinary skill in the art who was confronted with Lewecke would have no motivation to look to Lisec for alternate ways to scribe the glass plates. The Office Action simply states that the motivation to combine Lewecke with Lisec is to “provide for maximum utilization of glass sheet utilizing minimum of space in the process of Lewecke as disclosed by Lisec (col. 1, line 49 to col. 2, line 12).” Office Action at p. 4. However, there is no reason why a person of ordinary skill in the art would have chosen to combine the teachings of Lewecke with the manner of scribing as taught by Lisec. Lisec merely suggests minimizing space by standing the glass sheets in a vertical manner, not by scribing lines in the glass plate. Whereas, in the claimed invention, optimization of production flow can be accomplished, not merely space. The Office Action’s suggestion relies upon impermissible hindsight analysis. There is no suggestion or motivation in the references to supply the scribing of Lisec with the teachings of Lewecke.

Claims 2-10, 26 and new claims 27-35 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

For example, neither reference, taken together or separately, teaches or suggests “a storage unit adapted to receive or discharge glass plates on two opposite sides” as required by claim 27. Lewecke merely discloses introducing a sheet only from the front. The back of the system is closed by a rear wall frame 4 and is not adapted to introduce a plate. See Lewecke at p. 4 and Fig. 5. Lisec does not cure the deficiencies of Lewecke. As can be seen by the arrow in Fig. 2 of Lisec, the glass plates enter the device 12 only from one direction.

Furthermore, neither reference, taken together or separately, teaches or suggests that the “storage unit is displaceable transversally to the glass processing installation” as called for by claim 28. Lewecke merely discloses a stationary shelving system. Figure 1 of Lewecke illustrates that the shelving bottom 2 is firmly attached to the ground. Lisec does not cure the deficiencies of Lewecke. There is no disclosure in Lisec regarding the station 12 being displaceable relative to the conveying device 13.

Lewecke and Lisec, taken together or separately, fail to teach or suggest that the “angle between the supporting surface and a vertical direction is in a range of 0 to 10 degrees” as required by claim 29. Lisec merely discloses that the blanks may be inserted into a storage device 12; there is no disclosure of the angle between a supporting surface and a vertical direction. Lewecke clearly states that each sheet P stands vertically and not at an angle. *See* Lewecke at p. 5, lines 1-3.


Furthermore, none of the references taken together or separately, teach or suggest, that “the supporting surface [of the storage unit] includes gliding means for allowing a glass plate to glide along the supporting surface” as required by claim 30 or a storage unit with a rest surface that includes “a driven conveyor belt” as required by claim 31. Lewecke discloses a shelving system R with bracket shaped dividers 5 fixed to the bottom 2 and rear wall 4; Lewecke does not disclose any “gliding means” or “conveyor belt.” Lisec is silent on the elements of claims 30 and 31.

For further example, none of the references teach or suggest “wherein the glass plates are stored in the storage unit in an essentially vertical position, and wherein the glass to be divided is completely pulled out of the storage unit and moved to a horizontal position for scribing the glass plate and dividing it into the loading and residual portion” as required by claim 34. Both Lewecke and Lisec teach dividing a glass plate in a vertical direction, not scribing the glass plate in a horizontal direction.

The application is now believed to be in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

Date 8/14/06

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6014
Facsimile: (202) 672-5399

George C. Beck
Attorney for Applicants
Registration No. 38,072